

REMARKS

Claims 1, 4-13 and 16-22 are pending. Claims 1, 4-13 and 16-21 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. patent no. 7,243,163 to Friend et al. in view of U.S. patent no. 6,449,622 to LaRue et al. Claims 1, 4-12 and 21-22 are apparatus claims. Claims 13 and 16-20 are method claims.

Claim 22 was rejected under 35 U.S.C. §103(a) as being unpatentable over Friend and LaRue in view of U.S. pre-grant publication 2002/0188752 by Tomassetti.

Claim 13 was objected to because of a typographical error, i.e., repeated instances of the indefinite article “a.”

With regard to apparatus claims 1 and 21, the Examiner indicated that Friend discloses all of the limitations of claims 1 and 21 except for the limitations that require the session state information generator to generate session state information values and to initiate a synchronization session without a synchronization-connecting, session-establishing process. LaRue was cited as disclosing the limitations allegedly missing from Friend. Claims that depend from apparatus claims 1 and 21 were also rejected on the combined teachings of Friend and LaRue. Claim 22, which recites that the session state generators at the network part and the mobile are configured to initiate synchronization sessions at the same time, was rejected on the teachings of Tomassetti, that in a full-duplex communication, each station can send and/or receive independently of the other.

Independent method claim 13 and the claims that depend from it were rejected under 35 U.S.C. §103(a) for virtually the same reasons that claims 1, 4-12 and 21-22 were rejected. The Examiner indicated that the combined teachings of Friend and LaRue disclose the steps recited in claim 13, as well as the steps recited in the claims that depend from claim 13.

The Applicant thanks the Examiner for the suggested claim amendment that was made by the Examiner in paragraph 4c. The Applicant has adopted the Examiner's suggestion and each of the independent claims has been revised to recite that the synchronization session initiation is sent "without notice."

Claim 1 has also been further revised pursuant to the Examiner's suggestion to clarify the claim language and make it more descriptive. Support for the amendment to claim 1 can be found in the written description paragraphs [0020] and [0021], among others. No new matter has been added.

Paraphrased, amended claim 1 recites that the session state information generator (referred to hereinafter as "generator") is configured to form a datagram. The datagram is recited in the claim as including session state information for a synchronization session. A synchronization session is recited in the claim as being initiated by either a network part or a mobile node. For the sake of clarity, brevity and consistency with the written description, the one of the network and mobile node that initiates a synchronization session is defined in the amended claim as a synchronization session *initiator*; the other one is defined in the amended claim as a synchronization session *recipient*. See e.g., paragraph [0020].

Amended claim 1 recites that the generator forms information that includes a session identification value and an expected-session identification value. The session identification value is recited in the claim as identifying "a sequential number of prior synchronizations" of the synchronization session initiator. The expected-session identification value is clearly required by the claim, but the claim does not define or require what that value must be or where it comes from. The claim should therefore not be construed to require any particular expected-session value *per se*, nor should the claim be construed to require the cooperation or the addition of a particular "recipient." Claim 1 reads on a generator located at either a network part of a mobile node or both.

And, each of the independent claims now recites that the databases being synchronized to each other are XML databases, as stated in paragraph [0036] of the written description. All of the claims thus state that the databases, which are being synchronized, are XML databases. Since XML databases are inherently platform independent, the method and apparatus recited in the application can thus be used to synchronize databases stored in mobile devices made by different manufacturers and/or using different computer platforms.

Neither one of the Friend and LaRue references shows or suggests using an XML-format database. The claim preamble amendments by themselves avoid Friend and LaRue and place all of the claims in condition for allowance. The Examiner's suggested amendment to revise the claims to recite that the synchronization session is sent without notice is also believed to avoid Friend and LaRue.

In light of the foregoing claim amendments, claims 1, 4-14 and 16-22 are believed to be in condition for allowance. Accordingly, reexamination and reconsideration of the claims is respectfully requested. Such action is earnestly solicited.

Respectfully submitted,

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